

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Mason Tenders District Council Welfare Fund,  
*et al.*,

Plaintiffs,

19 CIV 7562 (AJN)

-against-

**DEFAULT JUDGMENT**

Shelbourne Construction Corp.,

Defendant.

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It is hereby **ORDERED, ADJUDGED, AND DECREED**, that pursuant to the Court's Order dated January 8, 2021, Plaintiffs' motion for a default judgment is granted, and for the reasons articulated in the Court's November 30, 2020 Memorandum Opinion and Order, Dkt. No. 19, judgment is entered as follows:

1. In favor of Plaintiffs Mason Tenders District Council Welfare Fund; Mason Tenders District Council Pension Fund; Mason Tenders District Council Annuity Fund; Mason Tenders District Council Training Fund; Mason Tenders District Council Health and Safety Fund; and Dominick Giammona, in his fiduciary capacity as Funds' Contributions/Deficiency Manager, and against Defendant Shelbourne Construction Corp in the amounts of:
  - a. \$361,358.30 in unpaid fringe benefit contributions;
  - b. \$97,794.98 in prejudgment interest on the unpaid fringe benefit contributions (\$97,116.21 in pre-judgment interest to December 21, 2020, plus \$678.77 in Prejudgment interest from December 21, 2020 through January 8, 2021);
  - c. \$97,794.98 as and for liquidated damages;

- d. \$122,861.82 in imputed audit costs;
- e. \$4,429.00 in reasonable attorneys' fees;
- f. \$544.39 in costs;
- g. \$27,663.05 in undeducted and/or unremitted dues checkoffs and Political Action Committee ("PAC") contributions; and
- h. \$14,355.49 in pre-judgment interest on the undeducted and/or unremitted dues checkoffs and PAC contributions (\$14,232.73 in prejudgment interest to December 21, 2020, plus \$122.76 in prejudgment interest from December 21, 2020 through January 6, 2021 at the rate of \$6.82 per day).

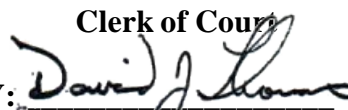
2. In favor of Plaintiffs enjoining Defendant, its agents, representatives, directors, officers, stockholders, employees, successors and assigns and all persons in active concert or participation with it who receive actual notice of the order by personal service or otherwise, from failing, refusing or neglecting to pay and/or submit to the Funds and the Mason Tenders District Council of Greater New York the required fringe benefit contributions, dues checkoffs, PAC contributions, ERISA contributions, and timely submit all required reports in accordance with ERISA, the collective bargaining agreements, and the Trust Agreements.
3. In favor of Plaintiffs directing Defendant to permit and cooperate in an audit of its books and records for the period of March 29, 2017 to the date of the audit: accordingly, the case is closed.

**DATED:** New York, New York  
January 8, 2021

**RUBY J. KRAJICK**

Clerk of Court

BY:

  
Deputy Clerk